

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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ELLA SHARON, on behalf of herself and all  
other similarly situated consumers,  
Plaintiff

v.

CAC FINANCIAL CORP.,  
Defendant

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CIVIL ACTION

NO. 1:17-cv-05174-AMD-CLP

JURY TRIAL DEMANDED

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that Defendant, CAC Financial Corp. (“Defendant”), hereby moves this Court, before the Honorable Ann M. Donnelly, United States District Judge for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, for an Order pursuant to Rule 56(a) of the Federal Rules of Civil Procedure granting summary judgment in favor of Defendant and against Plaintiff Ella Sharon. In support of Defendant’s Motion for Summary Judgment, Defendant relies upon the following: (1) Defendant’s letter dated November 30, 2018, which includes Defendant’s Statement of Undisputed Material Facts pursuant to Local Rule 56.1; (2) Defendant’s letter memorandum dated February 4, 2019, which includes the exhibits to Defendant’s Statement of Undisputed Material Facts pursuant to Local Rule 56.1; (3)

Defendant's letter dated February 5, 2019; and (4) Defendant's letter reply dated February 26, 2019. (Docs. 17, 22, 24, 26). Defendant also has enclosed a proposed form of Order.

Respectfully submitted,

FINEMAN KREKSTEIN & HARRIS, P.C.

By /s/ Richard J. Perr  
RICHARD J. PERR, ESQUIRE (RP5194)  
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Attorneys for Defendant CAC Financial Corp.

Dated: October 8, 2019

**CERTIFICATE OF SERVICE**

I, RICHARD J. PERR, ESQUIRE, hereby certify that on or about this date, I served a true and correct copy of the foregoing electronically via the Court's CM/ECF system on the following:

Adam Jon Fishbein, Esquire  
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/s/ Richard J. Perr  
RICHARD J. PERR, ESQUIRE

Dated: October 8, 2019